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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/669,848

09/24/2003

Norman Goris

N. GORIS 5-5

4434

47396

7590

08/31/2006

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EXAMINER

HOLLIDAY, JAIME MICHELE

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/669,848	<b>Applicant(s)</b> GORIS ET AL.	
	<b>Examiner</b> Jaime M. Holliday	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 4,8,9,14,18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 10-13, 15-17, and 20-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 7, 2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to **claims 1-3, 5-7, 10-13, 15-17 and 19-21** have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 1, 2, 5-7, 11, 12, 15-17 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ogasawara (U.S. Patent # 6,512,919 B2)** in view of **Roslak et al. (U.S. Patent # 7,010,501 B1)**.

Consider **claim 1**, Ogasawara clearly shows and discloses an electronic shopping system facilitates purchase transactions via a wireless videophone, reading on the claimed "system for using a mobile telephone to retrieve information about an article," (abstract), comprising:

wireless videophone **218** provided with a digital camera **236** used to scan the images of bar codes of purchased items, wherein a purchase transaction program, which is downloaded from the server into the wireless telephone, that may be tailored to include character recognition and/or pattern recognition, as well as bar code decode, reading on the claimed "a camera, associated with said mobile telephone; that records an image of coded data associated with said article, said coded data is decoded in said mobile telephone," (figure 14, column 3 lines 13-14, column 12 lines 25-26, column 18 lines 15-19); and

remote server **26**, which receives bar code data from the customer's wireless telephone **18**, searches a database and obtains a description and price for the item scanned, then the item description and price is then transmitted to the customer's wireless telephone, reading on the claimed "database, remote from said mobile telephone, that supplies information about said article to said mobile telephone based on a received, decoded form of said coded data derived from said image, said information including a price of said article" (column 6 lines 46-51).

However, Ogasawara fails to specifically disclose that the price is displayed in at least two currency values, one of which is selected by the user.

In the same field of endeavor, Roslak et al. clearly show and disclose a personal shopping system for combined use in both the home of a user and a shopping establishment that includes a portable terminal that is configured to read bar codes associated with items related to shopping, and includes a

memory, a bar code reader, a wireless transceiver and a data interface, reading on the claimed "system for using a mobile telephone to retrieve information about an article," (abstract). In European countries where the Euro is used in addition to the local currency, the system can convert any currency amount to and from the corresponding Euro amount, and store information regarding a customer's preferred currency. In locations where the Euro is not used, or where the system is not set up to provide this option, all messages are displayed in the standard currency used by the store. Currency conversion and preference selection can be made available through the portable terminal for use at the shopping establishment or from a remote location over the Internet, telephone or other communications network, reading on the claimed "information including a price of said article expressed in at least two national currency values, at least one of which is selected by a user of said mobile telephone," (col. 39 lines 52-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to convert the local currency into any currency amount as taught by Roslak et al. in the method of Ogasawara, in order to provide a shopping system for purchases using a wireless videophone.

Consider **claim 2**, Ogasawara, as modified by Roslak et al., clearly show and disclose the claimed invention **as applied to claim 1 above**, and in addition, Ogasawara further discloses a commercial telephone network **14** that facilitates connection of a store server **10** to a wireless telephone via a cellular telephone network **17**, to which the conventional telephone network is in communication,

typically via a wire connection **16**. Alternatively, the remote server, reading on the claimed "database," communicates with the wired telephone network, via a wire connection **28**. The wire connection may alternatively comprise fiber optic, radio, or other communication means, reading on the claimed "coded data is received from said mobile telephone via a direct radio link," (column 5 lines 10-14, 21-25).

Consider **claim 5**, Ogasawara, as modified by Roslak et al., clearly show and disclose the claimed invention **as applied to claim 1 above**, and in addition, Ogasawara further discloses a calling a server with a wireless telephone so as to initiate communication between the wireless telephone and the server, and once connection between the wireless telephone and the server is established, a purchase transaction program is downloaded from the server into the wireless telephone, reading on the claimed "mobile telephone contains software that defines a structure corresponding to said database," (column 12 lines 13-15, 24-26).

Consider **claim 6**, Ogasawara, as modified by Roslak et al., clearly show and disclose the claimed invention **as applied to claim 1 above**, and in addition, Ogasawara further discloses that the wireless videophone is perfectly capable of capturing digital videographic information, such as a bar code pattern or a graphics image pattern, reading on the claimed "coded data is contained in a barcode," (column 18 lines 27-30).

Consider **claim 7**, Ogasawara, as modified by Roslak et al., clearly show and disclose the claimed invention **as applied to claim 1 above**, and in addition, Ogasawara further discloses that item description and price is transmitted, from the server, to the customer's wireless telephone and is preferably displayed upon the display **42** thereof, reading on the claimed "mobile telephone provides said information to a user visually," (column 6 lines 49-51).

Consider **claim 11**, Ogasawara clearly shows and discloses a method for performing purchase transactions via a wireless videophone, reading on the claimed "method of using a mobile telephone to retrieve information about an article," (abstract), comprising:

scanning, with a wireless videophone provided with a digital camera, images of bar codes of purchased items, reading on the claimed "recording, with a camera associated with said mobile telephone, an image of coded data associated with said article," (figure 14, column 3 lines 13-14, column 18 lines 15-16);

downloading a purchase transaction program from a server into the wireless telephone which may be tailored to include character recognition and/or pattern recognition, as well as bar code decode, reading on the claimed "decoding said coded data in said mobile telephone," (column 12 lines 25-26, column 18 lines 17-19); and

transmitting, from a remote server, which receives bar code data from the customer's wireless telephone then searches a database and obtains a



description and price for the item scanned, the item description and price to the customer's wireless telephone, reading on the claimed "supplying, from a database remote from said mobile telephone, information about said article to said mobile telephone based on a received, decoded form of said coded data derived from said image, said information including a price of said article," (column 6 lines 46-51).

However, Ogasawara fails to specifically disclose that the price is displayed in at least two currency values, one of which is selected by the user.

In the same field of endeavor, Roslak et al. clearly show and disclose a personal shopping system for combined use in both the home of a user and a shopping establishment that includes a portable terminal that is configured to read bar codes associated with items related to shopping, and includes a memory, a bar code reader, a wireless transceiver and a data interface, reading on the claimed "system for using a mobile telephone to retrieve information about an article," (abstract). In European countries where the Euro is used in addition to the local currency, the system can convert any currency amount to and from the corresponding Euro amount, and store information regarding a customer's preferred currency. In locations where the Euro is not used, or where the system is not set up to provide this option, all messages are displayed in the standard currency used by the store. Currency conversion and preference selection can be made available through the portable terminal for use at the shopping establishment or from a remote location over the Internet, telephone or other

communications network, reading on the claimed "information including a price of said article expressed in at least two national currency values, at least one of which is selected by a user of said mobile telephone," (col. 39 lines 52-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to convert the local currency into any currency amount as taught by Roslak et al. in the method of Ogasawara, in order to provide a shopping system for purchases using a wireless videophone.

Consider **claim 12**, Ogasawara, as modified by Roslak et al., clearly show and disclose the claimed invention **as applied to claim 11 above**, and in addition, Ogasawara further discloses a commercial telephone network that facilitates connection of a store server to a wireless telephone via a cellular telephone network, to which the conventional telephone network is in communication, typically via a wire connection. Alternatively, the remote server, reading on the claimed "database," communicates with the wired telephone network, via a wire connection. The wire connection may alternatively comprise fiber optic, radio, or other communication means, reading on the claimed "coded data is received from said mobile telephone via a direct radio link," (column 5 lines 10-14, 21-25).

Consider **claim 15**, Ogasawara, as modified by Roslak et al., clearly show and disclose the claimed invention **as applied to claim 11 above**, and in addition, Ogasawara further discloses a calling a server with a wireless telephone so as to initiate communication between the wireless telephone and

the server, and once connection between the wireless telephone and the server is established, a purchase transaction program is downloaded from the server into the wireless telephone, reading on the claimed "mobile telephone contains software that defines a structure corresponding to said database," (column 12 lines 13-15, 24-26).

Consider **claim 16**, Ogasawara, as modified by Roslak et al., clearly show and disclose the claimed invention **as applied to claim 11 above**, and in addition, Ogasawara further discloses that the wireless videophone is perfectly capable of capturing digital videographic information, such as a bar code pattern or a graphics image pattern, reading on the claimed "coded data is contained in a barcode," (column 18 lines 27-30).

Consider **claim 17**, Ogasawara, as modified by Roslak et al., clearly show and disclose the claimed invention **as applied to claim 11 above**, and in addition, Ogasawara further discloses that item description and price is transmitted, from the server, to the customer's wireless telephone and is preferably displayed upon the display thereof, reading on the claimed "providing, with said mobile telephone, said information to a user visually," (column 6 lines 49-51).

Consider **claim 21**, Ogasawara clearly shows and discloses a videophone, reading on the claimed "mobile telephone," (column 18 line 15), comprising:

a digital camera, reading on the claimed "camera," (column 18 line 16);

a tailored purchase transaction program that might include character recognition and/or pattern recognition, as well as bar code decode, reading on the claimed "software that receives an image associated with an article from said camera, decodes coded data contained in said image and queues said data for transmission to a database remote from said mobile telephone," (column 18 lines 17-19); and

a display wherein the item description and price transmitted from a remote server to a customer's wireless telephone is displayed, reading on the claimed "display that receives and displays information about said article from said database," (column 6 lines 46-52).

7. **Claims 3 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ogasawara (U.S. Patent # 6,512,919 B2)** in view of **Roslak et al. (U.S. Patent # 7,010,501 B1)**, and in further view of **Lev et al. (Pub # US 2002/0102966 A1)**.

Consider **claim 3**, and **as applied to claim 2 above**, Ogasawara, as modified by Roslak et al., clearly shows and discloses the claimed invention except that the wireless network has to conform to a particular standard.

In the same field of endeavor, Lev et al. clearly show and disclose an object identification method for wireless portable devices **207** for a user equipped with a portable wireless imaging device to obtain information related to the imaged objects **202**, reading on the claimed "system for using a mobile telephone to retrieve information about an article," (abstract, figure 1 and figure 2). Once the

image is acquired, it is transmitted through any wireless/wire line combination of data transmission paths to a remote server **205**, reading on the claimed "database." The remote server could be far apart or a few meters away from the imaging device and connected to it by a WLAN such as Bluetooth, reading on the claimed "direct radio link conforms to a standard selected from the group consisting of: Bluetooth, WLAN and HomeRF/SWAP," (paragraph 0061).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a standard wireless connection such as Bluetooth or WLAN as taught by Lev et al. in the system of Ogasawara, as modified by Roslak et al., in order to provide optimal communication between the wireless videophone and remote server.

Consider **claim 13**, and **as applied to claim 12 above**, Ogasawara, as modified by Roslak et al., clearly shows and discloses the claimed invention except that the wireless network has to conform to a particular standard.

In the same field of endeavor, Lev et al. clearly show and disclose an object identification method for wireless portable devices for a user equipped with a portable wireless imaging device to obtain information related to the imaged objects, reading on the claimed "system for using a mobile telephone to retrieve information about an article," (abstract, figure 1 and figure 2). Once the image is acquired, it is transmitted through any wireless/wire line combination of data transmission paths to a remote server, reading on the claimed "database." The remote server could be far apart or a few meters away from the imaging device

and connected to it by a WLAN such as Bluetooth, reading on the claimed "direct radio link conforms to a standard selected from the group consisting of:

Bluetooth, WLAN, and HomeRF/SWAP," (paragraph 0061).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a standard wireless connection such as Bluetooth or WLAN as taught by Lev et al. in the method of Ogasawara, as modified by Roslak et al., in order to provide optimal communication between the wireless videophone and remote server.

8. **Claims 10 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of **Ogasawara (U.S. Patent # 6,512,919 B2)** and **Roslak et al. (U.S. Patent # 7,010,501 B1)**, in view of **Swartz et al. (Pub # US 2005/0040230)**, and in further view of **Lev et al. (Pub # US 2002/0102966 A1)**.

Consider **claim 10**, and as applied to **claim 1 above**, Ogasawara, as modified by Roslak et al., clearly shows and discloses the claimed invention except that information from bar code data from different purchases can be stored in the memory of the wireless videophone.

In the same field of endeavor, Swartz presents an invention that relates to a consumer interactive shopping and a marketing system. This system includes a portable data terminal with a video display **72** used to present data by retrieving associated data files stored at remote addresses by employing a wireless communication network, reading on the claimed "system for using a mobile

telephone to retrieve information about an article," (abstract and paragraph 0005). In an embodiment of the invention, customers can access lists of previously purchased items, reading on the claimed "information from a plurality of articles," on the portable terminals. The portable terminal may be able to access a list of previously items form its memory, reading on the claimed "memory in said mobile telephone stores data pertaining to a plurality of articles," (paragraph 0211).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention to store information from multiple purchase transactions in a portable data terminal as taught by Swartz et al. in the system of Ogasawara, as modified by Roslak et al., in order to provide better service to the consumer.

The combination of Ogasawara and Roslak et al., as modified by Swartz et al. as discussed above shows the limitations claimed, except they do not specifically disclose that the images are in video sequence.

In the same field of endeavor, Lev et al. clearly show and disclose in their object identification method for wireless portable devices that the imaging device is a device capable of capturing single or multiple images or video streams and converting them to digital information, reading on the claimed "image is a video sequence," (paragraph 0097).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to not only use a single image, but also a

video stream of the image as taught by Lev et al. in the system of Ogasawara and Roslak et al., as modified by Swartz et al., in order to successfully capture the barcode to transmit to a remote server.

Consider **claim 20**, and **as applied to claim 11 above**, Ogasawara, as modified by Roslak et al., clearly shows and discloses the claimed invention except that information from bar code data from different purchases can be stored in the memory of the wireless videophone.

In the same field of endeavor, Swartz presents an invention that relates to a consumer interactive shopping and a marketing system. This system includes a portable data terminal with a video display used to present data by retrieving associated data files stored at remote addresses by employing a wireless communication network, reading on the claimed "method of using a mobile telephone to retrieve information about an article," (abstract and paragraph 0005). In an embodiment of the invention, customers can access lists of previously purchased items, reading on the claimed "information from a plurality of articles," on the portable terminals. The portable terminal may be able to access a list of previously items form its memory, reading on the claimed "storing, in a memory in said mobile telephone, data pertaining to a plurality of articles," (paragraph 0211).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention to store information from multiple purchase transactions in a portable data terminal as taught by Swartz et al. in the system



of Ogasawara, as modified by Roslak et al., in order to provide better service to the consumer.

The combination of Ogasawara and Roslak et al., as modified by Swartz et al. as discussed above shows the limitations claimed, except they do not specifically disclose that the images are in video sequence.

In the same field of endeavor, Lev et al. clearly show and disclose in their object identification method for wireless portable devices that the imaging device is a device capable of capturing single or multiple images or video streams and converting them to digital information, reading on the claimed "image is a video sequence," (paragraph 0097).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to not only use a single image, but also a video stream of the image as taught by Lev et al. in the method of Ogasawara and Roslak et al., as modified by Swartz et al., in order to successfully capture the barcode to transmit to a remote server.

### ***Conclusion***

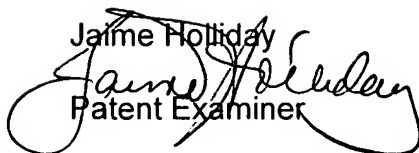
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime M. Holliday whose telephone number is (571) 272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



CHARLES APPIAH  
PRIMARY EXAMINER



Jaime Holliday  
Patent Examiner